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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/752,859	MOLNO ET AL.	
	Examiner Ricardo Pizarro	Art Unit <i>2642</i> 2651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Amendment received on 9/2/05.
2.  The allowed claim(s) is/are 10-21 and 24-27, They have been renumbered 1-16 respectively.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**.

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

### Examiner's Amendment

An Examiner's amendment for the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Mr. Steven Smith on 10/5/05

#### **CLAIMS HAVE BEEN AMENDED AS FOLLOW:**

Claims 1-9 and 23

Have been canceled

#### Claim 14

It has been amended as indicated in enclosed Attachment A

#### **Examiner's statement of reasons for Allowance**

The following is an examiner's statement of reasons for allowance:

For claims 1, 14, 19 and 24, the prior art of record does not teach or fairly suggest a plurality of base stations , a transmission control node, a scheduler that operates to allocate a first logical control channel associated with a user application on a first part of an available channel resource according to a predetermined repetition pattern within a superframe structure and where in a at least a second user application is less delay sensitive that the first user application and the predetermined first repetition pattern and

a second repetition pattern are allocated such that the control and packets data traffic channel are allocated on the same timeslot.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (571) 272-3077. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:00 PM. The fax number for this Group is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Hassan Kizou** can be reached on (571) 272-3088.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 13, 2005

Ricardo Pizarro



HAASSAN KIZOU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

Application No. 09/752,859

Docket No. P13276US2

**ATTACHMENT A**~~(PAGES 1-2 OF THIS DOCUMENT ARE CANCELED)~~

1-9. (Cancelled)

14. (Currently Amended) A packet data communication system comprising:

a plurality of base stations for radio communication with mobile stations of user data over packet data traffic channels;

a radio transmission control node for controlling operation of said plurality of base stations; and

a scheduler associated with each of the plurality of base stations, wherein the scheduler operates to:

allocate a first logical control channel associated with a first user application on a first part of an available radio channel resource according to a first predetermined repetition pattern within a superframe structure; and

allocate a second logical control channel associated with at least a second user application on a second part of the available radio channel resource according to a second predetermined repetition pattern within the superframe structure; and

~~allocate the first logical control channel on the available radio channel resource according to a first predetermined repetition pattern within a superframe structure,~~

wherein the at least second user application is less delay sensitive than the first user application and the first and second predetermined repetition patterns are selected such that the first and second logical control channels and the packet data traffic channel are allocated on a same timeslot within the superframe structure.

22. (Cancelled)

23. (Cancelled)